

**Administration.**

1904, art. 93, sec. 14. 1888, art. 93, sec. 14. 1860, art. 93, sec. 14. 1798, ch. 101, sub-ch. 5, sec. 2. 1865, ch. 162.

14. Whenever any person shall die intestate, leaving in this State personal estate, letters of administration may forthwith be granted by the orphans' court of the county wherein was the party's mansion house or residence; or in case he had no mansion or residence within the State, letters shall be granted in the county where the party died; and in case the party neither had mansion or residence nor died within this State, letters may be granted in the county wherein lies or is supposed to lie a considerable part of the party's personal estate. Nevertheless whenever any person shall die, leaving in this State property subject to administration, the said letters of administration shall be granted in the county wherein was the mansion house or residence of the deceased; provided, he had such property lying in said county.

The orphans' court to which application is made for letters has jurisdiction to determine the question of residence; such question held to have been correctly determined. *Oberlander v. Emmel*, 104 Md. 260. And see *Stanley v. Safe Deposit Co.*, 87 Md. 453; *Ensor v. Graff*, 43 Md. 293.

Letters of administration are necessary for the transmission of title to a legatee. *Cecil v. Clarke*, 17 Md. 508; *Smith v. Wilson*, 17 Md. 460; *Cecil v. Rose*, 17 Md. 101.

There need be only *prima facie* evidence that the deceased left personal estate; proof to the contrary; questions of title. *Grimes v. Talbert*, 14 Md. 172.

Where a will has been probated in another state and letters taken out there, the executors are not authorized to sue in Maryland (except as provided in section 76), until they have proven the will here under section 354, and taken out ancillary letters. *Wright v. Gilbert*, 51 Md. 152; *Glenn v. Smith*, 2 G. & J. 493; *Ratlie v. Wheeler*, 6 H. & J. 94; *Corrie's Case*, 2 Bl. 498. But see *Citizens' Bank v. Sharp*, 53 Md. 521; *Barton v. Higgins*, 41 Md. 546; *Lucas v. Byrne*, 35 Md. 494.

The court will apply the same rules as to the time within which an application for a revocation of letters is made, as in an application for the grant of letters. *Edwards v. Bruce*, 8 Md. 396. And see *Clagett v. Hawkins*, 11 Md. 387; *Edelen v. Edelen*, 10 Md. 56. *Cf. Stocksdales v. Conaway*, 14 Md. 107.

This section declares the policy of the law that there shall be a prompt administration of estates. This section construed to harmonize with section 16—see notes thereto. *Williams v. Addison*, 93 Md. 43; *Jones v. Harbaugh*, 93 Md. 273; *Edwards v. Bruce*, 8 Md. 387.

Cited but not construed in *Stouffer v. Stouffer*, 110 Md. 372.

As to where probate may be granted, see sec. 341.

As to the power of the orphans' court to revoke letters, see notes to sec. 235.

As to letters taken out in the District of Columbia, see sec. 76.

See also notes to sections 60 and 341.

As to the collateral inheritance tax, see art. 81, sec. 120, *et seq.*

*Ibid.* sec. 15. 1888, art. 93, sec. 15. 1860, art. 93, sec. 15. 1798, ch. 101, sub-ch. 5, sec. 25.

15. Administration may be granted to two or more persons, with the consent of the person first entitled; provided, that administration in all cases shall extend to all the personal property of the decedent within the State.